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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,689	01/04/2002	Gerd Eisenblatter	87307.00025	7795

7590

08/28/2002

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EXAMINER

SHAKERI, HADI

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

S.M

Office Action Summary

Application No.

10/019,689

Applicant(s)

EISENBLATTER, GERD

Examiner

Hadi Shakeri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>03</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Specification

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

5. Claim 1 recites the limitation "the end" in line 2. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 1 recites the limitation "on end and a counterpiece on the other" in line 4. "the other end" lacks sufficient antecedent basis and "on end" renders the claim indefinite. Applicant may wish to amend by reciting --on one end...another end--.

7. Claim 1 recites the limitation "the width" in lines 5 and 6. There is insufficient antecedent basis for this limitation in the claim. The elongated hole's longitudinal axis should be positively recited.

8. Claim 1 recites the limitation "the long sides" in lines 6 and 7. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 1 recites the limitation "the expansion in the transverse" in line 8. There are insufficient antecedent bases for these limitations in the claim. "the expansion" in lines 8 and 9 should be changed to --an expansion-- and "the traverse" should be changed to --a traverse--.

10. Claim 1 recites the limitation "the end" in lines 10 and 11. There are insufficient antecedent bases for these limitations in the claim.

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11. Claim 3 recites the limitation "at least one..." in line 2. There is insufficient antecedent basis for this limitation in the claim. Applicant may wish to amend by reciting --the elongated...--.
12. Regarding claim 3, the phrase "and/or" in line 2, renders the claim indefinite for failing to particularly point out and distinctly claim the subject matter, for the use of alternate language. It results in undue multiplicity. It is suggested that a new claim directed only to stiffened region for the counterpiece be presented and that claim 3 be limited to a stiffened region surrounding the elongated hole.
13. The rejections in sections 11 and 12 also apply to claims 4-8.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1, 3, 4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Muller, DE 89 04 270.

Muller discloses all the limitations of claim 1 in Figs. 5 and 6, i.e., a first region (the side of the hole 18 facing the counterpiece 19) has an expansion in the traverse direction of the belt which is greater than an expansion of the second region (the top side of hole 18 as shown in the Figs.) and the first region faces an end of the belt and the second region faces away from the said end.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 1-8 are rejected under 35 U.S.C. 03(a) as obvious over Muller, DE 89 04 270.

In view of specification and 112 rejections above, if the Applicant's attempt is to claim a key-hole shape as in Figs. 1 (a-c), obviousness rejection of the above claims over Muller applies as follows:

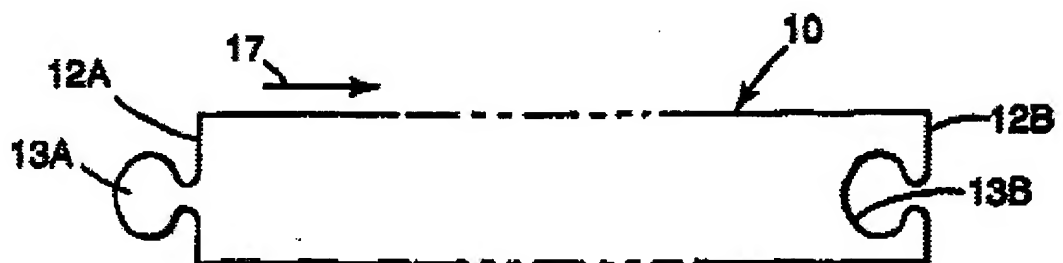
Muller discloses all the limitations of claim 1, except for disclosing a hole with a wider region on top and a narrow region on the bottom, since applicant has not disclosed that these specific shapes, e.g., key-hole, solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with hole as disclosed by Muller, it would have been an obvious matter of design to use a key-hole shape, however, It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the hole (18) by providing a keyhole shape for easier mating operation with the counterpiece (19).

Muller as modified above meets the limitations of claim 2.

Regarding claims 3-8, Muller discloses a roughen end region pg. 3, last three lines and page 4, the method of forming is not accorded patentable weight in an apparatus claim.

18. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stubbs et al., WO 97/38825 in view of Takagi et al., JP 408 126 962.

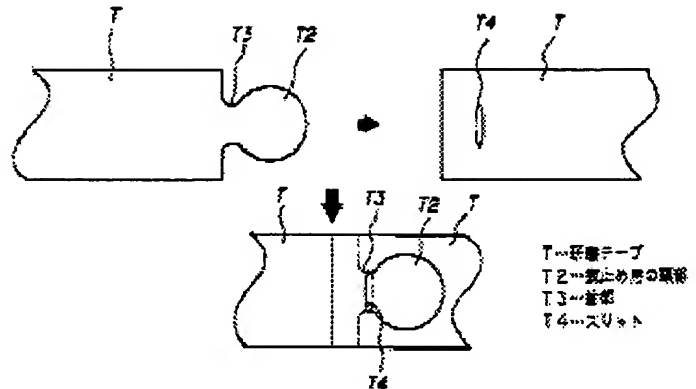
Stubbs et al. discloses all the limitations of claim 1, i.e., an interlocking abrasive belt having a keyhole shape (13B) and a counterpiece-



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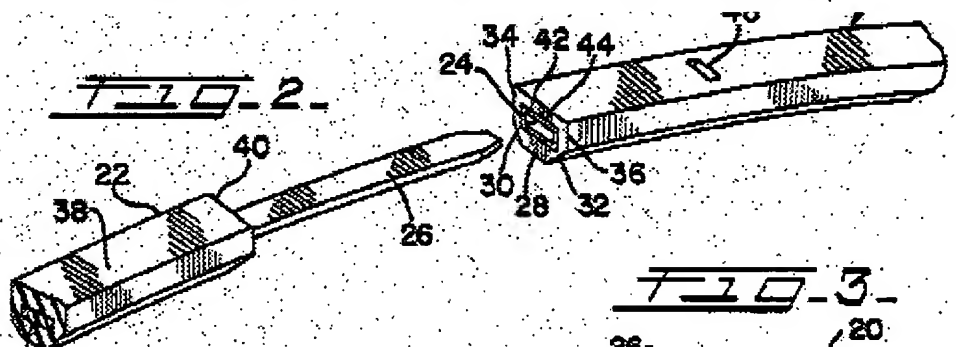
locking mate (13A), except for disclosing a closed end for the hole.

Takagi et al. teach an interlocking abrasive member with a recess having a closed end. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the interlocking members of Stubbs et al. with a closed end as taught by Takagi et al. to strengthen the recess.



19. Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (Stubbs in view of Takagi) as applied to claims 1 and 2 above, and further in view of Razien, US 4,828,538.

Prior art as applied to claim 1 above meets all the limitations of the above claims except for disclosing a coated stiffened end region. Razien teaches a drive belt having interlocking members (24) (26) wherein one of the members is stiffened and coated with Teflon™. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified invention of the prior art with hardening coating agent as taught by Razien for durability.



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Conclusion

20. Prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Horton, Pick, Seredick, Love et al., Nace, Balomenos, Donaldson, Pentecost, Cunningham, Schlueter, Jr., Tateishi et al. and Swift et al. are cited to show related inventions.

21. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hadi Shakeri at (703) 308-6279, FAX (703) 746-3279 for unofficial documents. The examiner can normally be reached on Monday-Thursday, 7:30 AM to 6:00 PM. Official documents may be faxed to (703) 872-9302, after final to (703) 872-9303.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703) 308-1148.



EILEEN P. MORGAN
PRIMARY EXAMINER

HS


August 23, 2002